

REMARKS

Claims 12, 15-17, 20-26 and 29-31 are pending in this application. Support for the amendment of claims 12, 20, and 26, to recite a lower limit of the second component to 0.3 % of the first component is found in the original claims as filed and in Table 1 at page 8 of the specification. Original claim 1, later claim 12, recited a solid composition wherein the first component was present in a concentration of about 2 to about 20 mg and the second component was present in a concentration from about 0.3% to about 50% of the first component.

In response to Office argument that the only cited reference (USP 4,965,276 to Bartlett) made obvious a composition in which component 1 was present at 20 mg and component 2 was present at 50% of that (10mg), Applicants, without acquiescing to the rejection, amended the claims on February 12, 2002, to recite a range of 0.8 to 15% of component 2 in relation to component 1. However, it was only the upper part of the range of component 2 (50%) that was challenged by the Office and not the lower amount of 0.3%. Therefore, applicants now present a claim to that lower amount, as well as new dependent claims to the ranges of 0.5% to 15% and 0.8% to 15%.

The same arguments made to support the patentability of the claims having component 2 in a range of 0.8% to 15%, which were found persuasive, also apply to the range of 0.3% to 15%, and also support new claims 30-31. Simply put, the Bartlett '276 reference does not disclose that concentrations of component 2 lower than 20 mg/kg can be effective. The presently amended claims recite a range of 0.6 mg (0.3%) to 3 mg (15%) for component 2. The prior art does not teach any composition containing the claimed concentrations of components 1 and 2 that are remotely close to these

concentrations, whether component 2 is present in the claimed composition as a metabolite of component 1 or as a separately introduced constituent in the claimed composition.

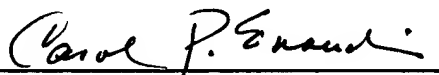
Therefore, all of the reasons set forth in the amendment of February 12, 2002, addressing why the range of 0.8% to 15% of compound 2 is patentable over the prior art, also apply to the range of 0.3% to 15% and are incorporated herein. See also the Decision of the Board of Patent Appeals and Interferences of December 1, 2004, at page 6, "[e]ven if we assume, arguendo, that Bartlett suggests a composition comprising both compounds 1 and 2 of Bartlett, Bartlett teaches away from using the lower concentrations of those compounds as required by the claims." Therefore, the Examiner is requested to consider these amended claims and pass them to allowance.

If needed, please grant any extensions of time required to enter this response and charge any required fees to our deposit account 06-0916.

Respectfully submitted,

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